HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 18th May, 2006
Bail Application No. 424 of 2006

Order on the bail application of accused.

CRIMINAL SIDE

1. Sethi @ Surender Singh
   S/o Shri Mahendra Singh
   R/o Village Bindukhera
   Police Station – Rudrapur
   District – Udham Singh Nagar
2. Pappi @ Chinder
   S/o Shri Banta Singh
   R/o Village Bindukhera
   Police Station – Rudrapur
   District- Udham Singh Nagar ……Applicants

Versus

State of Uttaranchal ……..Opposite Party

In Case Crime No. 1993 of 2006
U/s 302, 201, 364 I.P.C.
Police Station Lalkuna
District – Nainital

Hon'ble J. C. S. Rawat, J.

Heard Sri Vijay Pal Singh-learned counsel for the applicants, learned AGA for the State and perused the record.

The F.I.R. was lodged on 01.04.2006 alleging therein that the deceased Body was released from Haldwani Jail on 05.03.2006. When he came outside the jail, two unknown persons met him and they took him forcibly on the motor cycle. The death body was found on 23.003.2006. Learned A.G.A. pointed out that there is evidence of Gurmeet Singh who was released with the deceased from the jail and he saw two unknown persons forcibly taking the deceased to a motor cycle. The case diary is available with the learned A.G.A. The case diary also reveals that Tribhuwan and Rajan Kumar had seen on 05.03.2006 that the present applicants were in the company of the deceased on a motor cycle. It was contended that there is a last seen evidence of dated 05.03.2006 and the deceased was found dead on 23.03.2006. It was contended that there is a long gap between the last seen evidence and the dead body recovered and it was contended that there is no complete chain of the circumstances against the present applicant. No other evidence was pointed out by the learned A.G.A.

Considering the facts and circumstance of the case in totality, it is a fit case for bail at this stage.

Let the accused-applicants be released on bail on each executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 18.05.2006
Shiv